



PAULA HICKS-HUDSON
MAYOR

May 24, 2016

The Honorable Gina McCarthy
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator McCarthy:

On behalf of the City of Toledo, I write to you today regarding a very important matter concerning the use of a basin-wide TMDL as a solution to harmful algal blooms in Western Lake Erie.

In the late 1990's, the United States Environmental Protection Agency and the U.S. Department of Justice were persistent in their assertion that the City of Toledo reduce its nutrient pollution. I know because I was the legislative director for City Council during that time. The city's combined sewer discharges into streams, rivers, and ultimately Lake Erie was the target of EPA lawyers and regulators – resulting in a Consent Decree submitted to the U.S. District Court for the Northern District of Ohio in 2002 after a decade of litigation and negotiation. The Consent Decree required an investment by Toledo ratepayers of \$521,000,000 to upgrade our waste water system.

As a result of the Consent Decree, Toledo voters approved an 18-year, \$521 million plan to reduce sewage overflows through waste water storage, sewer separation, and improved waste water treatment in 2002. Improvements at the Bay View Waste Water Treatment Plant storage have led to no overflows from the facility since 2006. In addition, we have eliminated sanitary sewer discharges, and developed and implemented a long-term control plan for combined sewer overflows. Most significantly, we are consistently emitting 40% less discharge than our NPDES permits allow. Furthermore, the City is engaged with the Board of Lucas County Commissioners, the Toledo Metropolitan Area Council of Governments (TMACOG) Clear Water 2, and the National Wildlife Federation. We are also creating a Nutrient Sources Information Tool which will present maps of sources of nutrients to stakeholders and citizens in the region.

Although we understand and respect U.S. EPA Region 5's leadership in regard to the Great Lakes Water Quality Agreement (GLWQA), specifically the Annex 4 and Nutrient Management, it is a *voluntary* mechanism, subject to change as elected officials' transition in and out of their roles. We believe that the United States is required by law to follow the Clean Water Act, and

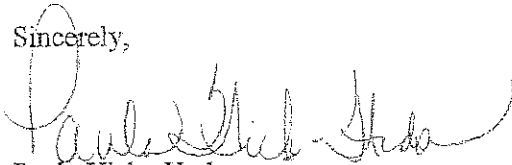
that the GLWQA should incorporate the Clean Water Act. The Clean Water Act has created the conditions for success in the Chesapeake Bay after decades of voluntary efforts. We specifically note that in the Chesapeake Bay region, existing TMDLs were pulled together under a basin-wide TMDL process that has helped ensure consistency, accountability, and measurable progress across all jurisdictions and sectors.

The City of Toledo looks now to the U.S. EPA to address all sources of nutrient pollution, not just urban sources, in the Western Basin of Lake Erie. We strongly believe that the science is clear that the majority of reductions must come from agricultural sources.

The City of Toledo requests more information from the U.S. EPA regarding the impacts at the municipal level of existing impairments and TMDL processes. We would also like to know what the potential implications are of a basin-wide TMDL process on the City of Toledo and our Consent Decree. Furthermore, we would like more information on how the Annex 4 Domestic Action Plan framework impacts our current nutrient reduction efforts.

Thank you for your serious consideration of this matter and our inquiries. Should you have any questions or concerns, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paula Hicks-Hudson", with a stylized flourish at the end.

Paula Hicks-Hudson
Mayor

PHH/lrw